THE PROVINCIAL INSOLVENCY (BOMBAY AMENDMENT) ACT, 1948.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of sections 6 and 6A of Act V of 1920.
3. Validation of certain rules and notices.

-1 Bk H 957—66

M-63

BOMBAY ACT No. LXVIII OF 1948.[1]

[THE PROVINCIAL INSOLVENCY (BOMBAY AMENDMENT) ACT, 1948.]

[*30th December 1948.*]

An Act to amend the Provincial Insolvency Act, 1920, in its application to the Province of Bombay.

V of 1920. WHEREAS it is expedient to amend the Provincial Insolvency Act, 1920, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Provincial Insolvency (Bombay Amendment) Act, 1948.

V of 1920. 2. In the Provincial Insolvency Act, 1920,— **Amendment of sections 6 and 6A of Act V of 1920.**

(*a*) for clause (*i*) of section 6, the following shall be substituted, namely:—

"(*i*) if, after a creditor has served an insolvency notice on him under this Act in respect of a decree or an order for the payment of any amount due to such creditor, the execution of which is not stayed, he does not, within the period specified in the notice which shall not be less than one month, either comply with the requirements of the notice or satisfy the Court that he has a counter-claim or set off which equals or exceeds the decretal amount or the amount ordered to be paid by him and which he could not lawfully set up in the suit or proceeding in which the decree or order was made against him."

(*b*) in sub-section (*1*) of section 6A, after the words "or his agent" the words ",or to satisfy the Court that he has a counter-claim or set off which equals or exceeds the decretal amount or the amount ordered to be paid by him and which he could not lawfully set up in the suit or proceeding in which the decree or order was made against him" shall be inserted.

Validation of certain rules and notices. 3. The amendments made by this Act shall be deemed to have been made with effect from the 19th day of June 1939 and notwithstanding any judgment of any Court or anything contained in any law,—

V of 1920. (*a*) the rules including the forms relating to insolvency notices made by the High Court under the Provincial Insolvency Act, 1920, before the date of coming into operation of this Act shall be deemed to have been made under the said Act as amended by this Act, and

(*b*) no insolvency notice issued under any of the said rules and no order of adjudication made for non-compliance with any such notice made before the date of coming into operation of this Act shall be called in question in any Court on the ground merely that any of the rules under which or the form in which the notice was issued was not authorised by the provisions of the said Act.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, page 512.

MO-1 Bk H 957—86a